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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,538	03/01/2002	Sanna Jauk	297-010817-US(PAR)	2256
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EXAMINER				
CHO, UN C				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/087,538

Applicant(s)

JAUKE ET AL.

Examiner

UN C. CHO

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 July 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6 and 9-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6 and 9-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/27/2009 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 – 3, 6, 9 – 18 and 20 – 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harris (US 6,314,306 B1) in view of Bright et al. (US 6,418,323 B1) and further in view of Narinen et al. (US 2002/0115456 A1).

Regarding claim 1, Harris discloses establishing a connection between a first mobile station (a text originator; Fig. 1, element 100) and a second mobile station (mobile device; Fig. 1, element 110), transferring speech data or message data representing a first effect for stimulating an auditory or visual sense via the established connection as a ringing command (the text originator produces a text message that is

sent to a mobile device, wherein the text message includes a ringer command that is audible when received by the mobile device; Col. 1, line 46 through Col. 2, line 6); producing the first effect for stimulating an auditory or visual sense in the second mobile station, while maintaining said connection (while the mobile device receives the text message, the user of the mobile device hears the selected ring according to the ring command associated with the text message; Col. 1, line 62 through Col. 2, line 6), using a first means of expression comprising at least one element selected from the group of a loudspeaker and a display (the user of the mobile device can view the message on the display (Fig. 1, element 112) as well as listening to the rings via a speaker (not shown); Col. 1, lines 46 – 53), moreover, Harris discloses that the ring command can also control a vibrator of the phone as well as the lighting in the phone (Col. 2, lines 20 – 30).

However, Harris does not specifically disclose transferring or activating data compiled from vibration effects memory, flash patterns memory or graphic objects memory for producing a second effect for stimulating a visual or tactile sense by the same established connection as a ringing command using a signaling message associated therewith, and producing the second effect stimulating a visual or tactile sense in the second mobile station, while maintaining said connection, using a second means of expression comprising at least one element selected from the group of a vibration unit, at least one light unit and the display, which is selected differently from the elements of the first means of expression, and wherein said second effect for stimulating a visual or tactile sense comprises a lighting effect or a vibration effect. In an

analogous art, Bright teaches transferring or activating data compiled from vibration effects memory, flash patterns memory or graphic objects memory for producing a second effect for stimulating a visual or tactile sense by the same established connection as a ringing command using a signaling message associated therewith (a text message, containing Morse code, is sent to the mobile phone during a call; Col. 2, lines 57 – 67), and producing the second effect stimulating a visual or tactile sense in the second mobile station, while maintaining said connection, using a second means of expression comprising at least one element selected from the group of a vibration unit (the mobile phone receiving the message interprets and outputs the Morse code through its vibration device (Fig. 1a, element 132); Col. 5, lines 20 – 30), at least one light unit and the display, which is selected differently from the elements of the first means of expression, and wherein said second effect for stimulating a visual or tactile sense comprises a lighting effect or a vibration effect (vibrating the corresponding Morse code representations via the vibration device 132 in the middle of a call; Col. 2, lines 49 – 67). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the technique of Bright to the system of Harris in order to provide an advantageous method of communicating and notifying a user in a non-verbal or more private manner.

However, the combination of Harris and Bright does not specifically disclose presenting the stimulating effects as a consequence of a certain user action in the second mobile terminal. In an analogous art, Narinen teaches prompting the user to take some action regarding the received data (as shown in Fig. 1, elements 135, 140

and 145; Page 2, Paragraph 0036 and Paragraphs 0040 – 0044). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the prompting technique of Narinen to the combination of Harris and Bright in order to efficiently code ring tone data and transmitting it to the user for improved interaction in a user-friendly manner.

Regarding claim 2, the combination of Harris, Bright and Narinen discloses all the limitations of claim 2, including transferring data in a User-to-User signaling message associated with the telephone connection (Bright discloses transferring a text message containing a Morse code to the mobile phone during a call, wherein the received message is interpreted and outputted through the vibration device; Col. 2, lines 49 – 67).

Regarding claims 3, 26 and 27, the combination of Harris, Bright and Narinen discloses all the limitations of claim 3, including transmitting data compiled from sounds memory (text message containing a ring command; Harris: Col. 1, line 46 through Col. 2, line 6), vibration effects memory forming the first and second effects in a text message (transferring a text message containing a Morse code to the mobile phone during a call, wherein the received message is interpreted and outputted through the vibration device; Bright: Col. 2, lines 49 – 67).

Regarding claim 6, the combination of Harris, Bright and Narinen discloses that a graphics effect is presented on the display (the text message is displayed on the display; Harris: Col. 1, lines 46 – 53), moreover, Bright also discloses receiving a

message during a call which will be notified on the display by LEDs (Bright: Col. 5, lines 11 – 19 and Col. 5, line 66 through Col. 6, line 9).

Regarding claim 9, Bright discloses generating a plurality of second effects for stimulating visual or tactile senses at the same time in the mobile station to form an effect entity combined from effects stimulating visual or tactile senses (transferring a text message containing a Morse code to the mobile phone during a call, wherein the received message is interpreted and outputted through the vibration device; Col. 2, lines 49 – 67).

Regarding claim 10, Bright discloses the claimed invention (transferring a text message containing a Morse code to the mobile phone during a call, wherein the received message is interpreted and outputted through the vibration device; Col. 2, lines 49 – 67) except for the second effect being activated so as to be automatically presented. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the technique of Bright, since it has been held that broadly providing a mechanical or automatic means to replace manual activity which has accomplished the same result involves only routine skill in the art. *In re Venner*, 120 USPQ 192.

Regarding claim 11, the combination of Harris, Bright and Narinen, specifically Narinen teaches activating it as a consequence of certain user action (prompting the user to take some action regarding the received data (as shown in Fig. 1, elements 135, 140 and 145; Page 2, Paragraph 0036 and Paragraphs 0040 – 0044)).

Regarding claim 12, Bright discloses the claimed invention (transferring a text message containing a Morse code to the mobile phone during a call, wherein the received message is interpreted and outputted through the vibration device; Col. 2, lines 49 – 67) except for activating based on a start instruction. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the technique of Bright, since it has been held that broadly providing a mechanical or automatic means to replace manual activity which has accomplished the same result involves only routine skill in the art. *In re Venner*, 120 USPQ 192.

Regarding claim 13, the combination of Harris, Bright and Narinen discloses all the limitations of claim 13 including a transmitter and/or receiver (transceiver; Bright: Fig. 3, element 312), a control unit (processor; Bright: Fig. 3, element 302). Therefore, the claim is interpreted and rejected for the same reason as set forth in claim 1.

Regarding claim 14, Harris discloses a sounds unit, a sounds controller and a sounds memory for controlling sound effects (the user hears the selected ring based on the received ring command, thus it would have been obvious to one of ordinary skill in the art to recognize that in order to hear all the necessary parts must be there such as speaker, controller and memory; Col. 1, lines 62 through Col. 2, line 6).

Regarding claim 15, Bright discloses a vibration unit (vibration device; Fig. 1a, element 132), a vibrator controller (adapter interface (Fig. 3, element 316) controlled by the processor (Fig. 3, element 302)) and a vibration effects memory (Fig. 3, element 306).

Regarding claim 16, Bright discloses light units, a lighting controller and a flash patterns memory (the user can see the Morse code through LEDs, thus in order to see the Morse code visually all the necessary parts must obviously be there such as LEDs, controller and memory; Col. 5, lines 11 – 19 and Col. 5, line 66 through Col. 6, line 17).

Regarding claim 17, Harris discloses a display (Fig. 1, element 112), a display controller (processor; Fig. 1, element 114) and a graphic objects memory (a memory (not shown) is inherent in a mobile device; Col. 1, line 46 through Col. 2, line 6).

Regarding claim 18, the claim is interpreted and rejected for the same reason as set forth in claim 9.

Regarding claim 20, Harris discloses wherein the control unit is configured for transmitting effects to be presented on a second mobile station (the text originator, a mobile device, produces a text message that is sent to a second mobile device, wherein the text message includes a ringer command that is audible when received by the second mobile device; Col. 1, line 46 through Col. 2, line 6).

Regarding claim 21, Harris discloses wherein the control unit is configured for transmitting effects to a second mobile station as part of a text message (the text originator produces a *text message* that is sent to a mobile device, wherein the text message includes a ringer command that is audible when received by the mobile device; Col. 1, line 46 through Col. 2, line 6).

Regarding claim 22, Bright discloses wherein the control unit is configured for transmitting effects to a second mobile station during a telephone connection using a User-to-User signaling message associated with the telephone connection (transferring

a text message from a mobile phone to a second mobile phone, containing a Morse code *during a call*, wherein the received message is interpreted and outputted through the vibration device of the second mobile phone; Col. 2, lines 49 – 67).

Regarding claim 23, the claim is interpreted and rejected for the same reason as set forth in claim 10.

Regarding claim 24, the claim is interpreted and rejected for the same reason as set forth in claim 11.

Regarding claim 25, the claim is interpreted and rejected for the same reason as set forth in claim 12.

Regarding claim 28, Bright discloses that the established connection is a voice call (a text message, containing Morse code, is sent to the mobile phone during a voice call; Col. 2, lines 57 – 67).

Regarding claim 29, the claim is interpreted and rejected for the same reason as set forth in claim 28.

Regarding claim 30, Harris discloses that the mobile device receives a text message which is displayed on a display (Col. 1, line 46 through Col. 2, line 6), thus one of ordinary skill in the art would interpret and understand that displaying anything (text or graphics) on the display would be considered an image that is created using pixels.

Regarding claims 31 – 33, the claims are interpreted and rejected for the same reason as set forth in claim 1.

4. Claims 4 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harris in view of Bright in view of Narinen as applied to claims 1 and 13 above, and further in view of the admitted prior art (hereinafter APA).

Regarding claim 4, the combination of Harris, Bright and Narinen does not specifically disclose that the effect is in a MIDI file. In an analogous art, the APA remedies the deficiencies of the combination of Harris and Bright by disclosing that MIDI files are in general used for storing and transferring control information for musical instruments (Page 2, lines 1 – 9). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the technique of the APA to the combination of Harris, Bright and Narinen in order to provide a file format that is standardized for transferring music files for bringing polyphonic ringing tones to mobile phones.

Regarding claim 19, the claim is interpreted and rejected for the same reason as set forth in claim 4.

Response to Arguments

5. Applicant's arguments with respect to claims 1 – 4, 6 and 9 – 33 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to UN C. CHO whose telephone number is (571)272-7919. The examiner can normally be reached on 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/George Eng/
Supervisory Patent Examiner, Art Unit 2617

/Un C Cho/
Examiner, Art Unit 2617